

MINUTES OF THE REGULAR JOINT MEETING OF THE MONTCLAIR CITY COUNCIL, SUCCESSOR AGENCY AND MONTCLAIR HOUSING CORPORATION BOARDS, MONTCLAIR HOUSING AUTHORITY COMMISSION, AND MONTCLAIR COMMUNITY FOUNDATION BOARD HELD ON MONDAY, AUGUST 3, 2020, AT 7:00 P.M. CONDUCTED REMOTELY PURSUANT TO GOVERNOR NEWSOM'S EXECUTIVE ORDERS SUSPENDING CERTAIN ASPECTS OF THE BROWN ACT DURING THE COVID-19 STATE OF EMERGENCY AND MANDATING STAY-AT-HOME SAFETY PROTOCOLS

I. CALL TO ORDER

Mayor/Chair Dutrey called the meeting to order at 7:00 p.m.

II. INVOCATION

Council Member/Director Johnson gave the invocation.

III. PLEDGE OF ALLEGIANCE

Council Member/Director Johnson led meeting participants in the Pledge.

IV. ROLL CALL

Present: Mayor/Chair Dutrey; Mayor Pro Tem/Vice Chair Raft; Council Members/Directors Ruh, Johnson, and Martinez

City Manager/Executive Director Starr; Director of Administrative Services and Human Resources Hamilton; Finance Manager Kulbeck; Public Works Director/City Engineer Castillo; Community Development Director Diaz; Human Services Director Richter; City Attorney Robbins; City Clerk Phillips

V. PRESENTATIONS

A. Community Activities Commission (CAC) Presentation of the 2020 Home Beautification Awards

Community Activities Commissioner Richard Escalante stated the CAC has sponsored the *Home Beautification Awards* program over the past 25 years to recognize Montclair residents who demonstrate community pride by attractively maintaining their homes. He noted this year the CAC judged seventeen homes and selected several winners, who should be proud of the work they have done to maintain their homes. He thanked all residents who help make Montclair a beautiful community in which to live.

A brief PowerPoint presentation showcased photos of the finalists' residences. The **Polanco** Family, 9091 Ramona Avenue, was praised for its beautiful traditional landscaping including a rose garden, cacti, green lawn, and decorative rocks; and the **Gomez** Family, 5372 Yale Street, was commended for its gorgeous drought-tolerant front yard and serene private courtyard. Both families were presented with *Home of the Year Award* certificates and will be receiving gift cards to their choice of a local Montclair restaurant or business.

Mayor Dutrey congratulated the **Polanco** and **Gomez** families and thanked all residents who have contributed to the beautification of Montclair. He thanked the CAC for organizing and facilitating the program.

Mrs. Esperanza Polanco thanked Mayor Dutrey, the City Council, and the Community Activities Commission for the recognition.

VI. PUBLIC COMMENT — None

VII. PUBLIC HEARINGS

A. Consider Adoption of Resolution No. 20-3281 Establishing Vehicle Miles Traveled (VMT) Thresholds for the Purpose of Analyzing Transportation Impacts Under the California Environmental Quality Act (CEQA) in Accordance with the Requirements of Senate Bill 743

Mr. Jason Pack, Fehr & Peers, led a PowerPoint presentation related to the SB 743 VMT analysis of transportation impacts to be utilized in the CEQA process for future development projects in the City.

Mayor Dutrey declared it the time and place set for public hearing related to Resolution No. 20-3281 and invited comments from the public.

There being no one in the audience wishing to speak, Mayor Dutrey closed the public hearing and returned the matter to the City Council for its consideration.

Mayor Dutrey asked whether projects around the Montclair Transcenter and the West Valley Connector Bus Project along Holt Boulevard would preempt the VMT requirements.

Mr. Pack indicated any projects within areas with ample transit options such as the areas mentioned would not be subject to the VMT review.

Council Member Ruh spoke in opposition to the use of VMTs, noting many low-income professions like home healthcare nurses require personal vehicles and cannot transport their equipment using mass transit, and will therefore be penalized with the excessive travel required to do their jobs.

City Manager Starr stated the use of VMTs for SB743 does not relate to taxing individuals based on the use of their vehicles but simply is used to analyze traffic impacts related to construction. He noted VMTs are being discussed at the state and federal levels as a potential metric to replace the gas tax, but as of now there is no apparent support for that initiative.

Moved by Mayor Dutrey, seconded by Council Member Johnson, and carried 4-1, the City Council adopted Resolution No. 20-3281 by the following roll call vote:

| | |
|----------|---------------------------------|
| AYES: | Johnson, Martinez, Raft, Dutrey |
| NOES: | Ruh |
| ABSTAIN: | None |
| ABSENT: | None |

B. First Reading — Consider Ordinance No. 20-989 Adding Chapter 3.31 to Title 3 of the Montclair Municipal Code Related to Imposing a General Transactions and Use Tax to be Administered by the California Department of Tax and Fee Administration (Subject to Final Approval by the Voters at the Tuesday, November 3, 2020 General Municipal Election)

Consider Setting a Public Hearing for Second Reading and Adoption of Ordinance No. 20-989 for Monday, August 17, 2020, at 7:00 p.m.

Pulled from VIII. Consent Calendar to include for discussion:

D. Resolutions

2. Consider Adoption of Resolution No. 20-3283 Ordering the Submission to the Voters of the City of Montclair a Measure to Consider a General Transactions and Use Tax at the General Municipal Election to be Held on November 3, 2020; Directing the City Attorney to Prepare an Impartial Analysis of the Measure; and Providing for the Filing of Arguments and Rebuttal Arguments in Favor of and Against the Measure

Council Member Johnson emphasized the fact that the City Council is not imposing this tax, but is putting it before the voters of the City to ultimately decide. She stated the funds generated from the tax are not just for one thing, but would be used on a variety of services that support the residents.

Council Member Ruh advised that according to state law, all taxes must be approved by the voters who would be responsible for paying that tax. He stated the City is able to educate the residents about the purpose and potential uses for the tax, but cannot advocate one way or another, which is an important distinction.

Council Member Martinez stated that many who participated in the second survey may not have been aware that the first survey included different tax options to weigh support and received a larger margin of support for 1.00 percent over 0.75 percent and 0.50 percent.

Mayor Dutrey declared it the time and place set for public hearing related to Ordinance No. 20-989 and invited comments from the public.

Mr. Thuân Nguyen, resident, expressed his hope that the City will engage with residents who are not registered to vote, as the survey was only administered to registered voters of the City. He also stated he supports a citizen's oversight committee with direct input on how the revenues from the tax are spent, noting he feels some departments are not receiving the funds they need and others are overfunded.

Mr. Bruce Culp, resident, stated he appreciates the City's work managing its budget over the years and he recognizes the City's need for more options to generate revenue. He encouraged the City to revisit the cannabis ordinances that were introduced last year. He noted that while a majority of sales tax revenue will be paid by individuals living outside of the cities, the residents are likely to spend a larger portion of their incomes in the City. He urged the City to consider using funds to assist residents facing evictions in light of the current economic situation.

There being no one else in the audience wishing to speak, Mayor Dutrey closed the public hearing and returned the matter to the City Council for its consideration.

Council Member Ruh stated many cities throughout the region have recently pursued and several have passed local general sales tax measures. He noted it is important that cities preserve local control of the tax dollars generated from the businesses in the city and not forfeit or share money that does not directly benefit the residents. He emphasized the proposed tax would be kept by the City to take care of the community.

Mayor Dutrey stated if the tax measure passes in November, the City Council will discuss the creation of an advisory body; however, proceeds from the tax would not be received until April of 2021 at the earliest. He noted he asked staff to research whether the City Council can lower a tax after it is passed by the voters, such as the Utility User Tax, and was told it can. He noted the tax discussion began last year with the burden of the escalating **California Public Employees Retirement System (CalPERS)** costs, which was triggered by policies enacted by **CalPERS** as a consequence of the Great Recession in 2008. He noted the City was paying around \$1 million to cover unfunded liabilities, and that cost has increased annually and is currently at \$5.3 million this year, but is expected to increase to \$8 million by 2033. He noted that the City has made several efforts including reducing the level of staffing, freezing vacant positions, consolidation of services, and suspension of cost-of-living increases for employees to cover the **CalPERS** increases each year; however, at this point there is nothing left to cut other than services. He emphasized this tax money would ensure the survival of the City's essential services to needy families, seniors, and

youth; allow for improvements to parks and ball fields; and allow street and traffic safety improvements to continue throughout the City. He noted the COVID-19 pandemic has greatly impacted the City's revenues and at this time, the only relief the City is receiving from the County and the state is for direct COVID-19 related expenses and not revenue loss. He noted if the federal government does not provide relief to cities soon, many essential services will be in jeopardy, and a transactions and use tax would be the City's last hope to maintain or improve the current levels of service.

Moved by Council Member Ruh and seconded by Mayor Dutrey that Ordinance No. 20-989, entitled "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONTCLAIR ADDING CHAPTER 3.31 TO TITLE 3 OF THE MONTCLAIR MUNICIPAL CODE RELATED TO IMPOSING A GENERAL TRANSACTIONS AND USE TAX TO BE ADMINISTERED BY THE CALIFORNIA DEPARTMENT OF TAX AND FEE ADMINISTRATION (SUBJECT TO FINAL APPROVAL BY THE VOTERS AT THE TUESDAY, NOVEMBER 3, 2020 GENERAL MUNICIPAL ELECTION)," be read by number and title only, further reading be waived, and this be declared its first reading; and that the City Council set a public hearing for Monday, August 17, 2020, at 7:00 p.m. to consider second reading and adoption of Ordinance No. 20-989.

First reading of Ordinance No. 20-989 was unanimously adopted by the following roll call vote:

AYES: Johnson, Martinez, Ruh, Raft, Dutrey
NOES: None
ABSTAIN: None
ABSENT: None

Moved by Council Member Ruh, seconded by Mayor Pro Tem Raft, and carried unanimously by the following roll call vote, the City Council adopted Resolution No. 20-3283 ordering the submission to the voters of the City of Montclair a measure to consider a general transactions and use tax at the General Municipal Election to be held on November 3, 2020; directing the City Attorney to prepare an Impartial Analysis of the Measure; and providing for the filing of Arguments and Rebuttal Arguments in favor of and against the Measure:

AYES: Johnson, Martinez, Ruh, Raft, Dutrey
NOES: None
ABSTAIN: None
ABSENT: None

VIII. CONSENT CALENDAR

Mayor Dutrey noted Item D-1 was removed from the consent calendar and was discussed and voted upon under VII. PUBLIC HEARINGS – Item B.

Council Member Johnson stated she would like to ask questions related to Items C-1 and C-2, which were addressed before considering approval of the Consent Calendar.

Moved by Council Member/Director Ruh, seconded by Council Member/Director Johnson, and carried unanimously by the following roll call vote for approval of the Consent Calendar as presented, with the exception of Item D-1, which was approved under VII. PUBLIC HEARINGS – Item B:

AYES: Martinez, Johnson, Ruh, Raft, Dutrey
NOES: None
ABSTAIN: None
ABSENT: None

A. Approval of Minutes

1. Regular Joint Meeting — July 20, 2020

The City Council, Successor Agency Board of Directors, Montclair Housing Corporation Board of Directors, Montclair Housing

Authority Commissioners, and Montclair Community Foundation Board of Directors approved the minutes of the July 20, 2020 regular joint meeting.

B. Administrative Reports

1. Approval of City Warrant Register and Payroll Documentation

The City Council approved the City Warrant Register dated August 3, 2020, totaling \$1,441,044.13; and the Payroll Documentation dated July 5, 2020, amounting to \$629,585.99 gross, with \$431,978.85 net being the total cash disbursement.

2. Authorizing a \$7,000 Appropriation from the Federal Asset Forfeiture Fund to Purchase Push-Button Gunlock Switches for 16 Police Department Black and White Patrol Vehicles

The City Council authorized a \$7,000 appropriation from the Federal Asset Forfeiture Fund to purchase push-button gunlock switches for 16 Police Department black and white patrol vehicles.

C. Agreements

1. Approval of *Agreement No. 20-64* with the California Office of Traffic Safety (OTS) for Acceptance of a Selective Traffic Enforcement Program Grant

Authorizing a \$40,000 Appropriation from the Public Safety Grant Fund to Cover all Project Expenses Associated with Participation in the OTS Grant Program

Council Member Johnson asked how the grant would be used to reduce traffic safety issues.

City Manager Starr advised while it is not a great deal of money, it is used to supplement overtime, equipment, and travel expenses in relation to traffic safety details.

Executive Director of Public Safety/Police Chief Avels advised some uses include phlebotomy tests to detect blood-alcohol levels at DUI check points, as well as investigations of traffic collisions and deaths.

The City Council took the following actions:

- (a) Approved *Agreement No. 20-64* with the California Office of Traffic Safety (OTS) for acceptance of a Selective Traffic Enforcement Program grant.
- (b) Authorized a \$40,000 appropriation from the Public Safety Grant Fund to cover all project expenses associated with participation in the OTS grant program.

2. Approval of *Agreement No. 20-67* with the San Bernardino County Fire Protection District Authorizing the Receipt of \$16,500 from the FY 2019 Homeland Security Grant Program

Authorizing a \$16,500 Appropriation from the Public Safety Grant Fund to Purchase an Electronic Message Board Trailer

Council Member Johnson asked if the message board purchased would be similar to the one currently used by the Police Department?

Executive Director of Public Safety/Police Chief Avels advised the new message board has additional features such as a radar that can detect how fast cars are driving toward it and warn them to slow down.

The City Council took the following actions:

- (a) Approved *Agreement No. 20-67* with the San Bernardino County Fire Protection District authorizing the receipt of \$16,500 from the FY 2019 Homeland Security Grant Program.

(b) Authorized a \$16,500 appropriation from the Public Safety Grant Fund to purchase an electronic message board trailer.

3. Approval of Agreement No. 20-68 with Suzanne Yoakum to Provide Case Management Services for the Human Services Department

The City Council approved *Agreement No. 20-68* with Suzanne Yoakum to provide case management services for the Human Services Department.

4. Approval of Agreement No. 20-69 with Ontario-Montclair School District to Provide a Licensed Clinical Social Worker for the Montclair Community Collaborative Case Management Program

The City Council approved *Agreement No. 20-69* with Ontario-Montclair School District to provide a Licensed Clinical Social Worker for the Montclair Community Collaborative case management program.

D. Resolutions

1. Adoption of Resolution No. 20-3279 Authorizing Placement of Assessments on Certain Properties for Delinquent Sewer and Trash Accounts

The City Council adopted Resolution No. 20-3279 authorizing placement of assessments on certain properties for delinquent sewer and trash accounts.

IX. PULLED CONSENT CALENDAR ITEMS

D. Resolutions

2. Adoption of Resolution No. 20-3283 Ordering the Submission to the Voters of the City of Montclair a Measure to Consider a General Transactions and Use Tax at the General Municipal Election to be Held on November 3, 2020; Directing the City Attorney to Prepare an Impartial Analysis of the Measure; and Providing for the Filing of Arguments and Rebuttal Arguments in Favor of and Against the Measure

This item was discussed under **VII. PUBLIC HEARINGS** - Item B, and was approved unanimously.

X. COMMUNICATIONS

A. Department Reports — None

B. City Attorney — None

C. City Manager/Executive Director

In response to Mr. Culp's comments, the City Attorney is currently reviewing the cannabis item and it is expected to come before the City Council soon.

1. COVID-19 Update

City Manager Starr reported San Bernardino County has a total of 33,000 active COVID-19 cases recorded, with 738 confirmed cases and 25 outbreak locations in Montclair. He advised there have been 418 deaths countywide, and 9 in Montclair. He noted the County has contracted with a new testing lab with an improved result turn-around time of two to five days. He advised the new system requires appointments be made through a website and asks for insurance information; however, that information can be left blank by anyone who wants a test because the County is covering the cost of the tests. He advised the seven-day testing average is a 21 percent positivity rate, which far exceeds the 8 percent minimum threshold for state

monitoring. He advised the City's new business outreach campaign is a program to assist businesses to be compliant with state guidance and prevent state enforcement actions and sanctions against our businesses. He noted businesses receive a sign from the City with citation of the City's code for mask violations, and an email address to report violations to the City.

At 8:30 p.m., Mayor Dutrey left the meeting.

D. Mayor/Chair — None

E. City Council/Successor Agency Board/MHC Board/MHA Board/MCF Board

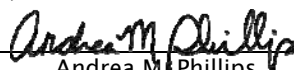
1. Mayor Pro Tem/Vice Chair Raft made the following comments:
 - (a) She encouraged everyone to use mosquito repellent, noting there are ankle-biter mosquitos that are active during the day.
 - (b) She requested the City post the Council's position supporting the Police Department on the City website, noting the City Council in no way supports defunding or disbanding the Police Department.
2. Council Member/Director Martinez acknowledged that while many residents are struggling, others are not affected financially by the pandemic. She urged those who have the means to donate their time, clothing, or money to organizations and churches to help families that are being impacted the hardest.
3. Council Member/Director Johnson stated she used the City's new **NetFile** system to file her campaign paperwork and, while it was a steep learning curve to get set up, especially for those who struggle with technology, she appreciates the time and stress the system will save her in the long run and can see the benefits of the system already.
4. Council Member/Director Ruh made the following comments:
 - (a) He encouraged those who want to help to do simple acts like checking on neighbors and asking if they need help with anything.
 - (b) He stated he appreciates the update emails he receives from **Congresswoman Norma Torres**, noting her office is great at keeping her constituents informed on issues being discussed at the federal level.
 - (c) He stated last Wednesday, July 29th, there was an article on the front page of *The Los Angeles Times* discussing worker protections that are being put in place by businesses in Los Angeles County, and recalled San Bernardino County officials not taking him seriously for making the same suggestion.

F. Committee Meeting Minutes — None

XI. ADJOURNMENT

At 8:45 p.m., Mayor Pro Tem/Vice Chair Raft adjourned the City Council, Successor Agency Board, Montclair Housing Corporation Board, Montclair Housing Authority Commission, and Montclair Community Foundation Board.

Submitted for City Council/Successor Agency Board/Montclair Housing Corporation Board/Montclair Housing Authority Commission/Montclair Community Foundation Board approval,



Andrea M. Phillips
City Clerk